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US ATTORNEYS OFFICE

CR 02-307 Bae

Detective Andrew BURIAN  
HCPD - Hilo Vice

06-27-2002  
Det. M. KANEHAILUA

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PN  
COMM PROM MJ

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INFORMATION

06-27-2002: Approximately 0955 Hrs.: I was participating in the counter cannabis field operations marijuana eradication program in a private helicopter in the Puna District. At approximately 0955 hours I overheard a radio transmission from Detective Andrew BURIAN who was utilizing a Drug Enforcement Administration Hughes 500D helicopter and flying as a spotter in the passenger's seat request that Officer Robert HIRONAKA and I fly over to their location in order to confirm what they believed to be marijuana plants being cultivated in/and around a residence located in the Kopua Farmlots area also known as Eden Roc subdivision.

Information was relayed to Officer HIRONAKA and me that there was a possibility of a search warrant being that the marijuana plants were well within the property lines and in the open.

Following the directions given to us by Detective Andrew BURIAN, Officer HIRONAKA and I confirmed the presence of multiple marijuana plots within the property in the front, to the rear, and on the sides. It was well in excess of 50 marijuana plants being cultivated on that property.

I also noticed that there was a residence with a light-colored roof, single-story structure, and just outside of that structure I observed an individual utilizing a red T-shirt walking towards the front part of the property towards the marijuana plants.

It was at that time that Officer Robert HIRONAKA and I made a determination that the individual was possibly walking towards the plants in order to destroy or pull some of the evidence. I instructed the pilot of the helicopter to land off the property on a side roadway where I would then make contact with the individual on the property and inform them of our observations and of our intent to remove those plants.

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We then landed off the property on a roadway across from the only driveway that leads directly to that residence. While doing so I did note that there was a chain across the entrance to the driveway and being that the ohia trees were too high for me to see the residence, I decided that I needed to walk up the driveway in order to make contact with the individual. The driveway was the only public access onto the property leading to the residence.

Officer Robert HATTON and I exited the helicopter whereby the helicopter then took off. We walked down the property in order to make contact with that individual. We walked approximately 75 yards from the roadway down the driveway to a clearing where we observed a residence off to the left and two shack-like structures just slightly off to the left of that residence. I also observed a makeshift garage with a gray tarpaulin straight on the driveway towards the back portion of the property. As I walked on the driveway, I called out, "Police! Hello! Police! Hello! Come out!" I was yelling loud enough so that anyone on the property could hear me.

While standing there I looked towards the right side of the property and noticed numerous marijuana plants being grown just along the driveway towards the back part of the property. At that point an individual, a female party, who was utilizing the red shirt that we had seen earlier, exited the residence, stepped onto a small landing area of a porch, and I walked up approximately 30 feet towards her. She had four dogs that came out and were barking and running around both Officer Robert HATTON and me.

At that point I informed her that we were police officers which we had clearly been identified with our flight suits and that we had observed numerous marijuana plants in/and around her property. I asked her what her name was and she said her name was Lenora AITCHISON--later I found out it was spelled Lenora AITCHISON.

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I asked her if there was anyone else at the residence. She stated that she was the only one there and that the marijuana plants on the property belonged to her but anything out in the forest and beyond those "berms" as she pointed to a small hill that surrounded her property did not belong to her.

While standing approximately 20 to 30 feet outside of the residence, there was an open window that I could clearly see into the residence. At that point I observed marijuana stalks being dried hanging upside down on what appeared to be lines within the residence. I then asked AITCHISON if she had a medical marijuana certificate or if she was a primary caregiver of marijuana. At that point she stated, "No, I don't but I wish I had one now."

At that point I informed AITCHISON that I had observed dried marijuana through her window inside of her residence. She stated that she had nothing in there and she had no drugs within her residence. I asked her if she could come and stand right in front of me because I wanted to show her something. She walked, turned around as I pointed into her window, and she could clearly see the marijuana hanging upside down within her residence.

At that point I asked AITCHISON if she would consent to a search of her residence based on what we had seen. She immediately said that she did not want to give us consent to search her residence.

She then asked me if she could contact her attorney, Gerard LEE LOY, because she was afraid now and needed to get some advice. I immediately told her that she was free to call her attorney and that she would be placed under arrest prior to calling him. I also told her that we would be obtaining a search warrant to search her residence.

AITCHISON then called her attorney, Gerard LEE LOY, and spoke to him for a short period. She then handed over to me her cellular phone and I spoke to LEE LOY. He asked me what was

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occurring at the residence. I informed him that we had made an aerial observation of marijuana that was well in excess of 50 or more marijuana plants and possibly up to as much as 500 which was an estimate and that we were in the process of obtaining a search warrant to search her residence.

At that time LEE LOY advised me that I should obtain a search warrant "just to keep it clean." He then asked if she was going to be charged. I said at this point she was just arrested only and she was not charged with any offense at this time. After we get the search warrant and continue the search and after we have recovered all of our evidence, then we would make a determination whether she would be charged or not.

The phone was then handed back to AITCHISON in which she spoke to LEE LOY for approximately one minute or more. After that she hung up the phone and said that LEE LOY advised her not to allow us to search her residence.

INFORMATION RELAYED TO DETECTIVE BURIAN

At that point I informed Detective Andrew BURIAN of my information and requested that he attempt to obtain a search warrant to search the structure. I also provided him with enough information to get to the residence via the ground.

STATEMENTS FROM AITCHISON

After I relayed the information to Detective BURIAN about my observations while on the ground, AITCHISON told me that she wanted to read to me a document that she got from "you know the marijuana guys in Pahoa." I then replied, "Who Jonathan ADLER?" and she said, "No, not him. He's an asshole. No one likes him."

She then started to read a marijuana sanctuary document that she had obtained through an individual who she did not name in Pahoa Town. I informed her that all relevant information pertaining to this investigation should be left as

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it is and we will be recovering it for evidence prior to leaving the residence. I also informed her at that time that since she had spoken to her attorney, no further information will be obtained from her until she recontacts her attorney in order to get advice from him. She agreed and placed the document within a plastic bag and took it back within the residence.

TRANSPORT

Puna Patrol Officer George MENINO arrived at the residence but being that the front gate was closed, we needed to walk AITCHISON out to his vehicle parked out on the roadway. Officer Robert HIRONAKA who had now arrived and I had walked out of the property to the front gate.

AITCHISON and Officer Robert HATTON walked behind Officer HIRONAKA and me as we got out to the chained gate. As we got out there I then informed her that I needed to make sure she had nothing within her pants pockets which she pulled out a handful of money which we placed within a purse that she had in her other hand.

Officer George MENINO then recovered the bags from her and placed them in a secured area while she was being transported. As required by police procedures, I handcuffed AITCHISON by securing her with her arms at her back.

I then asked her if she felt okay or if it was uncomfortable because it was a long trip back to Hilo. Immediately after I said that, she turned to me and stated that the right side was a little tight. She then started to scream and then said that it was hurting her and that she has a shoulder problem. I then loosened the right side and asked if it was loose enough. She then started to scream and whine and said that her shoulder was being strained and that she is not able to keep her hands behind her back. At that point she climbed up within the front passenger's seat of that vehicle. She started to scream and whine about her shoulder being sore.

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I then checked with the transporting patrol officer (being that he was the only officer within the vehicle that would be taking her back) if he felt comfortable with it being secured in front. He informed me that as long as she keeps quiet about it and does not squirm, he was comfortable with it being placed in the front. At that point I told her to keep quiet while en route and not to distract the officer while he was driving. I removed the handcuffs from the back and placed it in the front.

EVIDENCE OBSERVED

06-27-2002: Approximately 1330 Hrs.: I received a call from Detective Andrew BURIAN stating that the search warrant was signed by the District Court Judge to search that property. Upon Detective BURIAN's arrival to the residence, officers assisted in recovering evidence from in/and around the property.

In assisting with the Search Warrant, I observed numerous marijuana plants growing in different stages on the property. Most of the marijuana plants observed growing in the front property was short season plants and nearly mature. Other marijuana plants being grown closer to the residence were taller and in the early stages of growth.

Once officers got into the residence, I assisted them in locating evidence within the residence. While standing in the residence, I could hear the sound of fans running. I observed a wooden ladder leading up to an opening along the top portion of the residence. The opening was covered with black tarp-like material. I climbed up the ladder and moved the black tarp-like covering to one side and as I did that, I observed numerous marijuana plants from seedling to 2 feet in height growing in the loft area. While standing on the ladder, I also observed another platform with more growing marijuana plants. The exact amount of growing marijuana located in the residence was later determined to be 606. Three electric fans were also

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02:15:10 p.m.

04-07-2006

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observed mounted to the wall and blowing towards the marijuana plants.

I also observed another room that was used as a dry/manicuring room. Several manicured branches were observed hanging upside-down on twine or dry lines.

Several photographs were taken by me depicting the marijuana being grown within the front of the property, on her property, and along the driveway. Refer to the Photographic Record submitted with this report for information.

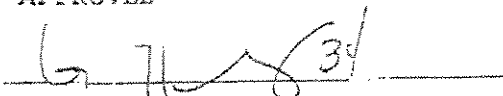
DISPOSITION

I recommend that this case be left continuing and a copy of this report be routed to the initial investigator in this case, Detective Andrew BURIAN, for his information.

ROUTE COPY OF REPORT TO DETECTIVE A. BURIAN

INV. CONTINUING

APPROVED



Marshall KANEHAILUA

DET

06-28-2002

VICE

#24

HL

1350 HRS

DATE: 1-3-04

06-28-2002 FRI 1500 HRS

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